

EXHIBIT B

HALEY LIVINGSTON
UNITED STATES vs STATE OF GEORGIA

January 30, 2023

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 UNITED STATES OF AMERICA,

6 Plaintiff, CASE NO. 1:16-cv-03088-ELR

7 vs.

8 STATE OF GEORGIA,

9 Defendants.
10
11
12

13 VIDEOTAPED DEPOSITION OF

14 HALEY LIVINGSTON

15 January 30, 2023, 9:23 a.m.

16 Okefenokee RESA

17 1450 N. Augusta Avenue

18 Waycross, Georgia
19
20

21 Deborah K. Lingonis, RPR, CCR 2883
22
23
24
25

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1 this, this, this, and this. I mean, there's checks and
2 balances, yes. But he doesn't have to do that because
3 I stay on top of my stuff.

4 Q. Sorry. The person you're referring to as "he"
5 is Dr. Jacobs?

6 A. Yes, ma'am.

7 Q. Do GADOE staff ever visit Harrell?

8 A. We have had -- I believe they were related in
9 the PBIS department. But I would say no, not --
10 especially, not recently have I had anyone from GADOE
11 visit, no.

12 MS. ADAMS: I ask that the court reporter mark
13 this next document as Plaintiff's Exhibit 764.

14 (Plaintiff Exhibit 764 marked.)

15 BY MS. ADAMS:

16 Q. You have been handed Exhibit 764. This is a
17 copy of an email thread dated October 30, 2019. The
18 most recent email was sent by you to Vickie Cleveland
19 and Lakesha Stevenson.

20 The bottom right-hand corner of the first page
21 of the document is marked GA00355023, and the email
22 subject reads Re Canceled Harrell Visit. You can
23 review the document and let me know when you are ready.

24 (Witness reviewing document.)

25 THE WITNESS: Okay.

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1 BY MS. ADAMS:

2 Q. Do you recognize this email thread?

3 A. Yes. I believe this was -- well, let me look
4 at the month. The only -- the time that they come is
5 when we are doing our strategic plan review. And I
6 don't remember the year, and I honestly don't remember
7 that it would be -- or don't think that it would be in
8 October.

9 But the only visit I ever remember having
10 Vickie come was for the strategic plan review at the
11 end of the year when we review our documentation for
12 the strat review. I just can't remember any of the
13 details. I can't remember the details, I'm sorry.

14 Q. When you say "strat," you're talking about
15 strategic plan?

16 A. Yes, ma'am.

17 Q. What is the strategic plan review?

18 A. There are -- each GNETS has to submit a
19 strategic plan or has to submit strategic plan
20 information, like whether they've taken care of each
21 area, almost like an improvement plan for school
22 systems, I would think that I would compare it to.

23 But it's got areas that, you know, it's got
24 instructional, behavioral, and there's sections that
25 you have to make sure you take care of, you know, like

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1 are you doing the certain behavioral assessments. Are
2 you looking at, like, instruction. How are you
3 supporting your teachers, kind of thing. It's almost
4 like a place to put in evidence that you're doing what
5 you're supposed to be doing.

6 And we used to do those on paper in notebooks
7 and things. And so they would come and sit down with
8 you, and you present all of your -- basically proof is
9 how I try to say it -- proof that we've been doing what
10 we need to do for these kids.

11 And that's the only thing I can think of that
12 they would have been talking about coming for.

13 Q. Who was Vickie Cleveland?

14 A. She is the -- I feel like she's the lead
15 director of the special ed -- I mean, I'm sorry -- lead
16 director of the GNETS division at GADOE. And then I
17 believe Lakesha is her assistant or partner or
18 assistant director maybe. I'm not sure if that's the
19 correct title.

20 But she's the main person that is my first
21 point of contact at GADOE about anything at GNETS.

22 Q. What is your understanding of Ms. Cleveland's
23 job responsibilities?

24 A. With regard to GNETS, just being the point of
25 contact and basically like facilitator. And then they

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1 counties also participate in meetings with you as well,
2 right?

3 A. Yes.

4 Q. What are your -- what are some of the meetings
5 that you attend as GNETS director?

6 A. The collaborative with special ed directors
7 and then GNETS directors' meetings.

8 Q. Anything else?

9 A. I believe that would be it unless I signed up
10 for something that they're there. But it's not like,
11 you know -- I'm trying to think -- like if we signed up
12 for, like, a legal conference or we signed up for --
13 what is that other one? Anyway, training or whatever.
14 But that's not like I'm meeting with them. We're just
15 all at the same place.

16 Q. So you mentioned the GNETS directors'
17 meetings. What is the purpose of those meetings?

18 A. They bring -- I guess, making sure -- a lot of
19 our topic has been on strategic plan. They'll have
20 reminders about that and making sure that everybody is
21 understanding the topics and making sure they're
22 taking -- I'm sorry, not taking but submitting like
23 documentation for each of those areas.

24 And then we talk about professional learning
25 because different sites post different trainings. And

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1 I'm trying to think. They'll bring in different --
2 like, they brought in someone before about the TKES
3 platform, I mean, almost like going through training to
4 make sure new directors knew about this.

5 And then they brought in an i-Ready special --
6 I don't know if that's the correct title but an i-Ready
7 specialist to go over things because we already use the
8 i-Ready platform.

9 So they brought in someone like that to go
10 over, you know, how to work the program, what reports
11 you should do, and things like that. So support,
12 instruction and behavioral support, is discussed and
13 planned.

14 Q. Who manages the GNETS directors' meetings?

15 A. It's usually led by Vickie and Lakesha. We
16 have a -- I can't remember if it changes by year, but
17 there's like a lead GNETS director, and then they
18 coordinate some things, too, like some of the
19 professional learning.

20 So they're involved. Whoever that person is
21 for the year is involved with probably -- in some of
22 the leading of the meetings or whatever.

23 Q. Have you ever served in that role?

24 A. No.

25 Q. You mentioned that these meetings often

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1 involve discussion of the strategic plan. Who manages
2 the strategic plan process?

3 A. Well, I believe it's us, all the GNETS
4 directors, and then we submit our strategic plan
5 through the GADOE portal.

6 Q. Does anyone at GADOE review those plans?

7 A. Yes, Vickie and Lakesha review. I'm not sure
8 who else reviews, but they do along with whoever else,
9 and then they get back with us like if we have needs or
10 areas if there's something like -- like, I know if
11 there's something that's not submitted for an area that
12 they'll get back to me on that.

13 I had something that would not -- I guess the
14 file was corrupt or something, like she couldn't pull
15 it up. Then they'll communicate back with me about
16 that, like, hey, I didn't get your such and such. We
17 can't see it kind of thing. Stuff like that.

18 Q. Are you familiar with the GNETS directors'
19 executive committee?

20 A. I'm unsure. I know I've heard that before,
21 but I'm not sure who it is or what they do.

22 Q. How often are the GNETS directors' meetings?

23 A. They're not monthly. I know that. But
24 they're -- I think it would be safe to say maybe
25 quarterly, maybe.

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1 amount, which would be state and federal.

2 I don't know that. I think they just give us
3 the state. I don't think the federal amount comes from
4 GADOE. But, anyway, that's how I know. They just give
5 us a number, total.

6 Q. Prior to learning that number from GADOE, is
7 there any process where you can request additional
8 funds or say, hey, now that I have this additional site
9 with additional kids, I'm going to need more money?

10 A. I'm not sure. I'm not sure if there's a
11 process or what the process is for that. Now, I do
12 know in the past there's been different grants because
13 we've been allocated two grants.

14 We have a therapeutic grant where they were
15 offering to some of the GNETS sites a therapeutic --
16 who maybe needed a therapeutic staff member or
17 additional staff member. And so I've been using that
18 money the last several of years to contract with a
19 counseling agency to bring more counseling into my
20 building.

21 And then the ESSER III grant that we received,
22 I think -- I believe we get it for three years. I was
23 able to -- I'm going to be able to use that this year
24 and next year for additional, you know, counseling.
25 Actually, we'll be using it this year for counseling in

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1 Camden.

2 So those were additional that -- I can't
3 remember if I spoke in person at first, but I know that
4 I've communicated with Vickie about that. And then we
5 have to turn in, like, logs and things to show for what
6 we're spending the money.

7 Q. So GADOE informed you about the two grant
8 opportunities?

9 A. Yeah.

10 Q. Going back to talking about the GNETS referral
11 process, have you ever been presented with a situation
12 where members of an IEP team disagree on whether a
13 student should be placed at Harrell?

14 A. Placed at Harrell? No, ma'am. Not that I
15 recall, no.

16 Q. Have you ever been presented with a situation
17 where members of the IEP team disagree as to what to do
18 regarding a student that has been brought to their
19 attention where Harrell has been involved?

20 A. Say that again, I'm sorry.

21 Q. I had asked you earlier whether you had been
22 presented with a situation where members of the IEP
23 team disagree on whether a student should be placed in
24 GNETS.

25 I'm wondering if there's any other situations

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1 30 kids, and you're just getting co-teaching.

2 And I thought like that natural next step, if
3 the county has that available, would be a
4 self-contained class in your county.

5 Q. Earlier we were talking about a continuum.
6 Can you tell me a bit more about what you mean by
7 continuum?

8 A. It's sort of like that. I feel like you go --
9 children go from Gen Ed, you know, in with nondisabled
10 peers.

11 And then once they experience difficulties or
12 have their own, like, learning disabilities or whatever
13 their issue is and they qualify for special ed, then
14 they naturally would flow into like an inclusion
15 classroom depending on the level of disability.

16 And so just speaking on behavior kids alone,
17 naturally they would go from Gen Ed to inclusion and
18 it's like a little bit more restrictive you know,
19 you're going from one adult and 25 kids and now you're
20 in two adults, 25 kids.

21 And then you can pull small groups, which is
22 what I used to do when I was in co-teaching. And from
23 there, like I said, the next -- the more restrictive
24 would be a self-contained class because now you're
25 being pulled out of inclusion where there's SPED and

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1 Gen Ed kids and two teachers. Now you're only in with
2 SPED kids in most likely a smaller setting.

3 And then from there then you would go to
4 something like GNETS or other types of separate
5 schools. Other sites have separate schools. They're
6 not called GNETS, of course, but separate schools.

7 Actually to back up, GNETS could be
8 school-based. So you could go through a self-contained
9 class first. Then you could go to the GNETS classroom
10 in your county. It might be in a different school than
11 your home school.

12 Then for us who are center-based, we don't
13 have any school-based classrooms, so we would be after
14 the self-contained LEA class, we would be the next
15 step. And then what we've typically seen, kids -- the
16 next step would be like residential or we've had some
17 do home-based instruction over the years or -- well,
18 no, hospital homebound. No, I'm sorry. Residential
19 would be considered hospital homebound and then
20 home-based instruction. Sorry.

21 It's just gradually, the continuum, it's like
22 it gradually gets more restrictive, but our hope is
23 that we can back down it, to go backwards, less
24 restrictive.

25 Q. For counties that do not have self-contained

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1 then I would take care of that kid to. But, naturally,
2 it would be individual, yeah, case-by-case.

3 Yes, I would say -- it just hit me. I know
4 for a fact at least one. I served a child with MID in
5 our building. It just hit me. I just thought about
6 it.

7 Q. What is MID, you said?

8 A. The intellectually disabled.

9 Q. Is that student still at Harrell?

10 A. No. He passed away.

11 Q. I'm so sorry to hear about that.

12 A. I thought about somebody else that jogged my
13 memory. Like, wait a minute, that was his label or his
14 eligibility area.

15 MS. ADAMS: I would like the court reporter to
16 mark this next document as Exhibit 768.

17 (Plaintiff Exhibit 768 marked.)

18 BY MS. ADAMS:

19 Q. You have been handed a copy of Plaintiff's
20 Exhibit 768. This is a copy of an email thread dated
21 December 14, 2018. The email subject is Re GNETS
22 Enrollment Info.

23 The first page is stamped GA00337967. Please
24 take a moment to review and let me know when you are
25 finished.

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(Witness reviewing document.)

THE WITNESS: Yes.

BY MS. ADAMS:

Q. Do you recognize this email thread?

A. Yes.

Q. The first email from Ms. Cleveland located on the second page of this document was sent at 11:48 a.m. Am I correct she provides you Harrell enrollment numbers reported by you as of December 14, 2018?

A. I don't remember if this was -- she was telling me the numbers, like their numbers that they had for us. I don't remember if this is like a number I reported actually.

Q. Okay.

A. Because the reason I say that is because what I said at the top asking what the count was for, because there was a fluctuate or whatever.

So I don't know if this was a number that I reported or if this was a number that they showed us having through like FTE or whatever through GADOE.

Q. Okay. So in Ms. Cleveland's email she's providing enrollment numbers that she somehow obtained for Harrell. And those numbers were current as of December 14, 2018, correct?

A. Yes.

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1 Q. And she also provides the fiscal year 2018 FTE
2 count?

3 A. Uh-huh.

4 Q. What is FTE?

5 A. That is the funding -- oh, gosh. Every
6 student is counted under FTE, and that's how they earn
7 their funding. So the FTE count would have been what
8 the county reported is how I'm thinking what GADOE is
9 showing possibly.

10 Q. As in the number of students for that fiscal
11 year?

12 A. Yes.

13 Q. Am I correct that in her email Ms. Cleveland
14 tells you that the difference between the Harrell
15 enrollment as of December 14, 2018, and the FY2018 FTE
16 count is 29 students?

17 A. Yes.

18 Q. And she tells you that she needs to know who
19 the students are that transitioned back and what
20 services they are currently receiving and the
21 location?

22 A. Right.

23 Q. Am I correct that, in your response to her at
24 11:53 a.m., you tell Ms. Cleveland that Harrell
25 enrollment fluctuates so much? That's on the top of

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1 the second page.

2 A. Oh, yes, yes.

3 Q. What did you mean when you said the enrollment
4 fluctuated?

5 A. Well, I was confused obviously. Well, I was
6 confused because FY18 count, when it was counted,
7 because of the difference. Because I'm usually not off
8 on differences.

9 And FY18 would actually be the 17/18 year, and
10 this number reported 12/14/18 is actually FY19. So
11 that's kind of confusing unless she's calling that --
12 anyway, what was your question? I'm sorry, I'm
13 thinking outloud.

14 Q. That's okay. I was wondering what you meant
15 by the enrollment fluctuating.

16 A. I know that depending on when it's collected
17 or whatever, counted, we have students who either have
18 left or haven't enrolled yet or have moved or have
19 transitioned out. I mean, there's all kinds of
20 different ways.

21 And for there to be that big of a number, from
22 what I can remember, I just would have questioned why
23 it's that big of a difference. But I don't know the
24 rest of it. I don't remember the rest of it to know
25 where it went from there.

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1 A. I don't think so.

2 Q. In the fiscal year 2022 or the current fiscal
3 year, did any students return to Harrell after
4 transitioning to a less restrictive environment?

5 A. Yes. The one student we spoke about earlier,
6 the traumatic -- the mom, the family issue. Another
7 student who -- two this year. I'm not sure about last
8 year. I don't think so last year, no. This year, yes,
9 though, two.

10 Q. Okay. We're going to move on from this
11 exhibit, but please keep it nearby because we'll
12 probably come back to it again.

13 What are the sources of funding from which
14 your GNETS program receives financial support?

15 A. We have the state grant, we have a federal
16 grant, and then we have like income support from
17 counties.

18 Q. What is the process for receiving a GNETS
19 state grant fund?

20 A. I'm not sure.

21 Q. So we've talked about the grant fund
22 application. Is there any other paperwork that you or
23 your staff is required to complete to receive state
24 funding?

25 A. Not that I do. I don't know if Miss Iris does

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1 or not, but I don't.

2 Q. Do you submit an annual budget with your grant
3 application?

4 A. She does. I don't.

5 Q. Do you provide any information or
6 documentation so that that annual budget can be
7 submitted?

8 A. I send -- all this information that goes into
9 the grant app is the extent to what I send to GADOE.
10 And then I just help her with the staffing pattern just
11 where they're assigned, what they're doing, the
12 teachers and staff. But other than that, no, I don't
13 have anything else to do with the budget.

14 Q. Once your grant application has been approved,
15 does anyone tell you how the state funds can be used?

16 A. No, not me.

17 Q. How do you know if there are any limitations
18 on how the state funds can be used?

19 A. I communicate with Iris.

20 Q. Who tells Iris how the funds can be used?

21 A. I don't know.

22 Q. What kinds of expenses are covered by the
23 GNETS state grant?

24 A. I'm not sure. Well, actually, I know -- I
25 believe salaries. I think I know that part, but other

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1 Q. Was there one long-term substitute teacher at
2 Harrell during the 2019/2020 school year?

3 A. Yes. She came -- I believe she came at the
4 end of the one year and then stayed the next year.

5 Q. So the long-term substitute came at the end of
6 the 2019/2020 school year and stayed during the
7 2020/2021 year?

8 A. Yeah, it had to be, yes.

9 Q. Do you recall if this long-term substitute
10 teacher, that's referred to in this email, is the same
11 that you were referencing earlier who was covering the
12 elementary adaptive?

13 A. Yeah, that's her.

14 Q. And you said that she had stayed for about
15 half a school year. Is that still your
16 understanding?

17 A. Well, it might be a little bit more than that
18 because now this is jogging my memory because if she
19 was there last year, then it would have had to have
20 been a little bit more than half, yeah.

21 Q. Is that long-term substitute still at Harrell
22 now?

23 A. No.

24 MS. ADAMS: I'm going to ask the court
25 reporter to mark this next document as Plaintiff's

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1 Exhibit 775.

2 (Plaintiff Exhibit 775 marked.)

3 BY MS. ADAMS:

4 Q. You have been handed Plaintiff's Exhibit 775.
5 This is a copy of an email thread dated June 2019 with
6 the subject Re Forward Coordinator and Social Worker
7 Survey.

8 This first page is stamped GA00347397. You
9 can take a moment to review and let me know when you're
10 finished.

11 (Witness reviewing document.)

12 THE WITNESS: Okay.

13 BY MS. ADAMS:

14 Q. Do you recognize this email thread?

15 A. Yes.

16 Q. Am I correct that on June 3, 2019,
17 Ms. Cleveland emailed you and others asking you to
18 complete a coordinator survey and social worker
19 survey?

20 A. Yes. Sorry, I'm reading while I'm saying
21 that.

22 Q. Do you know why Ms. Cleveland was asking you
23 to complete these surveys?

24 A. I'm not sure.

25 Q. Am I correct that on June 4, 2019, you

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1 responded to Ms. Cleveland stating I completed my
2 survey. I do not have a coordinator or social
3 worker?

4 A. Yes.

5 Q. Do you recall why there was no coordinator or
6 social worker on staff at Harrell in 2019?

7 A. We don't have a coordinator position, and I
8 believe that would have been the year -- oh, I believe
9 that might have been the year we didn't have one. I'm
10 unsure.

11 I can't remember -- I have my timeline off
12 because we had one and she left and then we had
13 somebody else. So I'm unsure.

14 Q. So there have been times when Harrell has not
15 had a social worker on staff?

16 A. Right.

17 Q. But you do have a social worker now?

18 A. I do not have a social worker, no.

19 Q. You have a --

20 A. I have a counselor and a behavior
21 specialist.

22 Q. Okay. Do you think it is important to have a
23 social worker on staff with Harrell?

24 A. Well, like with the psychologist, I don't
25 really know because our needs are being taken care

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1 about your staff members' job responsibilities or their
2 performance to anyone?

3 A. Oh, their performance, yes. I will report
4 that to Dr. Jacobs, like I would teachers, if they're
5 not doing what they're supposed to be doing or if I
6 need to put them on a plan just like I do with the
7 certified staff. But other than that, no.

8 Q. Are there any records that you submit to
9 anyone about the types of interventions that your staff
10 members have implemented or the ways in which your
11 staff have interacted with students?

12 A. Now, in our grant app we submit things that we
13 provide for children, academics and behaviorally. But
14 as far as reporting out interventions and things like
15 that, no. I mean, unless we're listing something in
16 their IEP but not like report out to RESA or report out
17 to GADOE or anything like that, no.

18 Q. So there aren't any logs or records of certain
19 functions or conduct that staff do on a regular basis
20 that you report to anyone?

21 A. Like, negative? Are you speaking about
22 anything or just negative?

23 Q. Just anything, not just negative.

24 A. Well, for our therapeutic sessions because
25 it's tied to a grant -- that grant I told you about,

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1 the two grants -- we have to do -- our counselors have
2 to do logs, therapeutic logs.

3 And so they -- I believe it's like the student
4 and then maybe like the topic that you covered that we
5 have to submit to Lakesha by the 4th of every month.
6 It's monthly.

7 And then other than that, just what's in the
8 grant app. Our strategic plan also, yes, we have to
9 provide documentation for the strategic plan too.

10 Q. Okay. So you mentioned that you submit
11 certain logs to Lakesha. Do you know why Lakesha
12 collects that information?

13 A. As I understand it, it's because it's
14 supporting us receiving the grant. It's almost like, I
15 guess, this is what we're getting for our money kind of
16 thing. That's how I took it.

17 Q. And that's something that you continue to
18 submit to GADOE?

19 A. Yes.

20 MS. ADAMS: I'm going to ask the court
21 reporter to mark this next document as Plaintiff's
22 Exhibit 776.

23 (Plaintiff Exhibit 776 marked.)

24 BY MS. ADAMS:

25 Q. You have been handed Plaintiff's Exhibit 776.

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1 GACE or they can have 60 course hours, basically an
2 associate's or you have to take a paraprofessional
3 GACE.

4 Q. And GACE is?

5 A. It's the state -- oh, gosh I can't remember
6 what it's -- it's what educators have to take. Like, I
7 would have to take a special ed GACE or a Gen Ed GACE
8 to be certified. I can't remember what the letters
9 stand for, but I think it's like the title or the
10 assessment title.

11 Q. For the current school year, do you have any
12 paraprofessionals who are not fully certified or
13 qualified?

14 A. No.

15 Q. For the 2022 fiscal year, did you have any
16 paraprofessionals who weren't properly certified?

17 A. No.

18 Q. Are there any staff employed at Harrell
19 currently who are not qualified or certified to serve
20 in their roles?

21 A. No.

22 MS. ADAMS: I'm going to ask the court
23 reporter to mark this next document as Plaintiff's
24 Exhibit 777. You have been handed Plaintiff's Exhibit
25 777.

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1 (Plaintiff Exhibit 777 marked.)

2 BY MS. ADAMS:

3 Q. This is a copy of an email thread with the
4 subject Re GNETS Calendar and SDQ Data. The first page
5 is stamped GA00790800. Please review and let me know
6 when you're finished.

7 (Witness reviewing document.)

8 THE WITNESS: I'm ready.

9 BY MS. ADAMS:

10 Q. Do you recognize this email thread?

11 A. Yes.

12 Q. Who is Nakeba Rahming?

13 A. She was the state director or the GNETS State
14 Director before Vickie.

15 Q. Okay. Am I correct that on July 20, 2017,
16 Nakeba Rahming emailed you and the other GNETS
17 directors stating that she was going to finalize
18 guidance and procedures for professional qualifications
19 as it relates to GNETS?

20 A. Yes.

21 Q. She asked you to email her any questions or
22 concerns, correct?

23 A. Yes.

24 Q. Am I correct that on July 21, 2017, you
25 responded to Ms. Rahming asking, "Does our PE teacher

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1 have to be a certified (maybe retired) teacher, or
2 could we have what we've had, a personal trainer? If
3 so, what qualifications does the personal trainer have
4 to have?"

5 Is that correct?

6 A. Yes.

7 Q. Why did you ask if Harrell's PE teacher had to
8 be certified?

9 A. Because when I came on, that was my first year
10 or starting my first year as director. My first year
11 there they did not have a PE teacher, and I thought it
12 was important for them to have a PE teacher.

13 And so what we had was somebody who was I
14 guess a certified -- what I thought was a certified
15 personal trainer, and he would do, you know, like
16 workout stuff with them.

17 But I thought that it needed to be a teacher.
18 So that's why I asked her that, and we were looking for
19 one. And so when I asked Dr. Jacobs about it, he said
20 we would have to ask her, you know, what it would have
21 to be because it was his first time kind of interacting
22 with or being involved with GNETS.

23 So it was just basically us finding out what
24 our roles are. And, of course, now that's a stupid
25 question because they have to be a certified teacher

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1 and we've had one, sorry.

2 But, yeah, that was just trying to find out if
3 what has been going on is appropriate or do we need to
4 change because I was feeling like I wanted to change.

5 Q. Okay. I'm going to ask the court reporter to
6 mark this next document as Plaintiff's Exhibit 778.

7 (Plaintiff Exhibit 778 marked.)

8 BY MS. ADAMS:

9 Q. You have been handed Plaintiff's Exhibit 778.
10 This is a copy of an email thread with the subject Re
11 LCSW Grant. The bottom of the first page is stamped
12 GA00347755. Please take a moment to review and let me
13 know when you're finished.

14 (Witness reviewing document.)

15 THE WITNESS: Okay.

16 BY MS. ADAMS:

17 Q. Earlier we were talking about you emailing
18 Ms. Rahming to understand whether your PE teacher had
19 to have a certain kind of certification.

20 And you were talking about how it was kind of
21 early on in your time as director, and you were talking
22 to your boss and you were both trying to figure things
23 out. And I believe you were saying something about how
24 you wanted to make sure you understood what the rules
25 were around certification and various staff.

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1 So when you mentioned you were trying to get a
2 sense of what the rules were, what do you mean by that
3 in terms of rules?

4 A. Certification. Back then I didn't understand
5 certification so I didn't -- I mean, to be quite
6 honest, I didn't even have my head wrapped around,
7 like, our SPED teachers had to have content area and
8 SPED to be qualified, highly qualified or
9 professionally qualified. I don't know which one is
10 the right word now.

11 Anyway, so that was what that was about. And
12 now as I have had years, I understand all that now, but
13 that was early on. I wasn't sure if that was okay, you
14 know, for him to be the personal trainer to be doing it
15 and us calling it PE. That didn't feel right to me.

16 Q. Thank you. And you found it helpful to seek
17 clarification from GADOE --

18 A. Yes.

19 Q. -- to help you understand what the rules
20 were?

21 A. Yes.

22 Q. Okay. On this email thread there are emails
23 between you and Ms. Cleveland, correct?

24 A. Yes.

25 Q. Do you recognize this email thread?

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1 A. Yes.

2 Q. Am I correct that on June 11, 2019, you
3 emailed Ms. Cleveland stating, "I am really looking for
4 a way to make my person qualify for the LCSW position.
5 He is great, and we were hoping we could maybe read the
6 grant and find a way for him to be the one we can
7 hire." Is that right?

8 A. Yes.

9 Q. You continue in the email and say, "A loophole
10 maybe. What do you think? Are there specific services
11 this person will provide? LCSW versus LPC, is it more
12 for social work type things or counseling students?"

13 Is that correct?

14 A. Yes.

15 Q. Later in the email you asked, "Is this grant
16 coming from DOE SPED department?" Correct?

17 A. Yes.

18 Q. Am I correct that Ms. Cleveland responded
19 stating, "The focus of the work is for therapeutic and
20 counseling supports. The grant is awarded from GADOE.
21 I have confirmed the scope of work with staff rehab.
22 The candidate would have to have LCSW or MSW
23 certification." Correct?

24 A. Yes.

25 Q. What was the LCSW position you were

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1 referencing?

2 A. It's Licensed Clinical Social Worker. And we
3 had someone in mind who actually is working with our
4 students now who has -- oh, gosh, what is an LPC?
5 Licensed -- I can't remember right now what LPC stands
6 for. But he's -- what do you call it -- like a higher,
7 I don't know, more highly qualified person I think, or
8 a higher qualified person than LCSW.

9 But, anyway, I didn't understand all the
10 acronyms and who was okay for what. And it was for the
11 therapeutic grant, and the therapeutic grant had
12 specific criteria that you had to work with.

13 So she was telling me that she had gotten with
14 staff rehab, which is -- I believe is more of like a
15 substitute -- or not a substitute -- like a hiring
16 platform or company that she put out the criteria for,
17 and it helped us find someone.

18 And so we ended up going with that person
19 instead, a social worker instead of the LPC. So that
20 was basically her clarifying that. I don't remember if
21 she emailed back about it anymore or if we just talked.
22 We got it worked out.

23 Q. Okay. You said that there's an individual who
24 you referenced in this email saying "He is great.
25 We're really hoping he can be the one we hire."

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1 A. I'm thinking that that's what that was. This
2 is one of the first years I think we got it. So that's
3 why I didn't understand what all -- who I could hire
4 with it.

5 Q. Okay.

6 MS. ADAMS: I'm going to ask the court
7 reporter to mark this next document as Plaintiff's
8 Exhibit 779.

9 (Pleading Exhibit 779 marked.)

10 BY MS. ADAMS:

11 Q. You have been handed Plaintiff's Exhibit 779.
12 This is a copy of an email thread dated May 2019 with
13 the subject Re RBT Status. The first page has been
14 stamped GA00347076.

15 Please review and let me know when you're
16 finished.

17 (Witness reviewing document.)

18 THE WITNESS: I'm finished.

19 BY MS. ADAMS:

20 Q. Do you recognize this email thread?

21 A. Yes.

22 Q. On May 29, 2019, Ms. Cleveland emailed you
23 stating, "It has been brought to my attention from
24 TeachTown that the following staff did not complete the
25 coursework for RBT certification. Please provide an

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1 update via email as to why staff did not finish the
2 coursework. Funds were budgeted for this training and
3 I need to provide an update."

4 Do you see that?

5 A. Yes.

6 Q. Underneath the text of Ms. Cleveland's email
7 there is a chart labeled "didn't finish coursework" and
8 Leander Gore is listed next to Harrell LC. Correct?

9 A. Yes.

10 Q. In your response on May 30, 2019, you stated
11 "Gore simply refused to complete." Correct?

12 A. Yes.

13 Q. What is RBT certification?

14 A. Registered Behavior Technician.

15 Q. And why would someone need to have RBT
16 certification?

17 A. Well, you don't have to have it to work in
18 GNETS. It was just something that was offered to --
19 it's almost like when I was telling -- saying something
20 about the Gifted Endorsement earlier. It's like an
21 extra layer of certification.

22 It's something along those lines, and I've
23 actually gone through it, too, but I didn't come out as
24 a registered RBT because you have to do some kind of
25 extra things.